

**2003 U.S. FISHERIES BYCATCH REDUCTION
STANDARDS AND MEASURES RELEVANT TO SECTION 202(h) OF THE
MAGNUSON-STEVENSON FISHERY CONSERVATION AND MANAGEMENT ACT**

Section 202(h)(1) of the Magnuson-Stevens Fishery Conservation and Management Act (Act) states that the Secretary of State, in cooperation with the Secretary of Commerce, “shall seek to secure an international agreement to establish standards and measures for bycatch reduction that are comparable to the standards and measures applicable to United States fishermen for such purposes in any fishery regulated pursuant to this Act for which the Secretary [of Commerce], in consultation with the Secretary of State, determines that such an international agreement is necessary and appropriate.”

Section 202(h)(3) of the Act requires that the Secretary of Commerce, in consultation with the Secretary of State, submit annually to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report describing actions taken regarding potential international bycatch agreements pursuant to Section 202(h)(1) of the Act. The National Marine Fisheries Service (NMFS) has reviewed management measures for January 2003 through December 2003 under all approved and implemented fishery management plans that address fish stocks also harvested by foreign fishermen to identify relevant bycatch standards and measures. A description of these bycatch standards and measures by region, an update on initiatives identified in previous reports, and NMFS conclusions on the necessity and appropriateness of seeking international agreements establishing comparable standards and measures follow.

NORTHEAST REGION

No new measures specifically to reduce bycatch were implemented in 2003.

SOUTHEAST REGION

No new measures specifically to reduce bycatch were implemented in 2003.

ATLANTIC HIGHLY MIGRATORY SPECIES

In addition to the closed areas (areas of South Atlantic Bight, Gulf of Mexico, and off New Jersey), observer coverage, reporting requirements, dead discard accounting, and bycatch limits already in place for U.S. fishermen (see previous reports for full descriptions of these measures), the United States has implemented new measures to reduce bycatch in Atlantic HMS fisheries. These measures include:

Sea turtle bycatch reduction: The United States is conducting the third year of research to reduce sea turtle bycatch and bycatch mortality in the Atlantic pelagic longline fishery. The research is being conducted using commercial vessels as research platforms in the Grand Banks

area. The experiment is testing fishing protocols using bait types and hook types.

Vessel Monitoring Systems (VMS): Effective September 1, 2003 (March 11, 2003, 68 FR 11534), all pelagic longline vessels are required to install and use VMS to transmit their location while away from port. VMS is used to enforce the several time and area closures to reduce bycatch of HMS and sea turtles. Implementation of VMS in the Atlantic pelagic longline fleet is also in response to an International Commission for the Conservation of Atlantic Tunas (ICCAT) recommendation.

Bluefin Incidental Catch Requirements: The United States has modified the target catch requirements to retain Atlantic bluefin tuna in order to reduce dead discards. Previously, target catch requirements (the amount of non-bluefin tuna landed) varied by region, season, and measurement (southern area fishermen could land one bluefin tuna per 1,500 lbs of target catch from January through April and per 3,500 lbs of target catch from May through December, whereas northern area fishermen could land bluefin tuna based on a percentage of the target catch landed year-round). The final rule (May 30, 2003, 68 FR 32414) established the same measurement for both southern and northern regions and removed season variations to decrease the number of bluefin tuna discarded dead in the Atlantic pelagic longline fishery and to increase enforcement capabilities.

In support of its domestic actions, the United States has been pursuing action relative to bycatch reduction measures at ICCAT. ICCAT is the international body charged with coordinating the management of highly migratory species throughout the Atlantic Ocean and adjacent seas.

NORTHWEST REGION

No new measures specifically to reduce bycatch were implemented in 2003.

SOUTHWEST REGION

No new measures specifically to reduce bycatch were implemented in 2003.

ALASKA REGION

NMFS issued an Exempted Fishing Permit (published July 31, 2003 (68 FR 44927)) to two investigators for conducting an experiment in the Bering Sea testing the effectiveness of salmon excluder devices to reduce salmon bycatch rates in the pollock trawl fishery without significantly lowering catch rates of pollock. It is intended to promote the objectives of the FMP for the Groundfish Fishery of the Bering Sea and the Aleutian Islands by testing methods of reducing salmon bycatch in the Bering Sea pollock trawl fishery.

MARINE MAMMAL PROTECTION ACT ACTIVITIES

NMFS published its final List of Fisheries (LOF) for 2003 as required by the MMPA (68 FR 41725). The final LOF reflects new information on interactions between commercial fisheries and marine mammals. The LOF places all commercial fisheries into one of three categories based on the level of incidental serious injury and mortality of marine mammals that occurs in each fishery.

OTHER ACTIVITIES

In the report covering the period September 2000-December 2001, NMFS concluded, and the Department of State concurred, that pursuing international bycatch agreements pursuant to Section 202(h) of the Act was necessary and appropriate to address sea turtle bycatch in longline fisheries in both the Atlantic and Pacific Oceans. As a result, an international strategy, referred to as the Course of Action to Promote International Agreements that Address the Need to Reduce Sea Turtle Bycatch in Foreign Longline Fisheries, was developed to address this issue.

In January 2002, NMFS convened an International Bycatch Reduction Task Force made up of Agency and U.S. Department of State representatives. A Plan of Action was subsequently developed by the Task Force to: 1) implement the strategy to promote international agreements that reduce sea turtle bycatch in foreign longline fisheries; and 2) promote the implementation of the Food and Agriculture Organization (FAO) International Plan of Action (IPOA) for Reducing Incidental Catch of Seabirds in Longline Fisheries and the FAO IPOA for the Conservation and Management of Sharks.

The Task Force Plan of Action outlines steps to be taken in implementing the U.S. strategy for international bycatch reduction. These tasks are broken up into two categories: international sea turtle workshops, and international communications relating to sea turtles, sharks and seabirds.

A. International Sea Turtle Workshops: Task Force members engaged in a number of activities in support of international sea turtle workshops during the past year. Such activities included:

1. Convening and participating in a steering committee to guide the planning and execution of the NMFS-sponsored international technical workshop on sea turtle bycatch in longline fisheries during February 2003. Activities of this group included: identification of workshop date and venue; consideration of financial aspects; development of agenda and identification of desired outcomes; identification of the data/technical specifications necessary for the workshop and materials to be provided to attendees in advance; identification of desired speakers/attendees; and reporting.
2. Participation in an October 2002, in-house workshop during which NMFS staff reviewed the preliminary results of on-going research relating to the reduction of sea turtle bycatch in longline fisheries.

3. Participation in the Second International Fisherman's Forum (IFF2) in November 2002. Task Force members provided staff support and presented the results of the October 2002 in-house workshop relating to on-going sea turtle research. Seabird bycatch issues (first discussed at IFF1) were also followed up on at this meeting.
4. Attendance, staff support, and reporting at NMFS-sponsored international technical workshop on sea turtle bycatch in longline fisheries held in Seattle, Washington, during February 2003. This workshop:
1) examined global and seasonal fleet distributions and effort; 2) compared different gear configurations; 3) looked at target species; 4) compared existing regulatory regimes; and 5) reviewed on-going bycatch reduction research. The final report of this workshop will soon be available on the NMFS website.
5. Participation in initial discussions and planning for an inter-disciplinary workshop that NMFS may co-sponsor with the International Center for Living Aquatic Marine Resource Management (ICLARM). Possible objectives for this workshop include: 1) identification of the types of international institutions required to conserve and manage Pacific sea turtles; 2) development of pan-Pacific comprehensive policy options; development of a pan-Pacific model framework treaty and call for negotiations; and 3) development of a multi-disciplinary and multilateral sea turtle research agenda for the future.

B. International Communications Relating to Sea Turtles, Sharks and Seabirds: Task Force members participated in the drafting and transmission of the following diplomatic cables to flag states with significant longline fleets (and Taiwan).

1. A diplomatic demarche (cable) relating to sea turtles was sent that emphasized the international nature of the sea turtle bycatch problem in longline fisheries, described steps that the United States is taking to address it, and requested that recipients provide information relative to sea turtle bycatch in longline fisheries. The demarche announced the date and location of the International Longline Sea Turtle Bycatch Technical Workshop, which was promoted as the forum for the consideration of the sea turtle bycatch information requested.
2. A diplomatic demarche cable was sent to flag states with significant longline fleets (and Taiwan) that requested information on the status of implementing the FAO IPOA Relating to the Conservation and Management of Sharks. In this communication, the United States encouraged: development and implementation of a National Plan of Action for Sharks to promote the conservation and management of sharks and call attention to the international issue of shark finning. Additionally, the United States committed to provide information on topics relating to the shark IPOA, including information that may be of use to states developing a National Plan of Action (NPOA) for Sharks. This communication also provided an overview of the U.S. Shark Finning Prohibition

Act.

3. A diplomatic demarche cable was sent to flag states with significant longline fleets (and Taiwan) that requested information on the status of implementing the FAO IPOAs for Seabirds. In this communication, the United States encouraged: development and implementation of a National Plan of Action for Seabirds to promote the reduction of incidental catch of seabirds in longline fisheries where it occurs. Additionally, the United States committed to provide information on topics relating to the seabird IPOA, including information that may be of use to states developing a National Plan of Action (NPOA) for Seabirds.
4. Throughout the last year, the United States has used current and new regional fishery management organizations and existing bilateral relationships to call attention to the international problems of sea turtle bycatch and incidental catch of seabirds and sharks in longline fisheries. The United States continues to promote international cooperative efforts to collect standardized information on the incidence of sea turtle bycatch in longline fisheries and is promoting the technical workshop as one forum to receive and consider such information.

C. Other:

In addition to tasks specifically associated with the Task Force Action Plan, members of the Task Force participated in the following activities:

1. Preparations, execution and reporting of the first Meeting of Parties of the Inter-American Sea Turtle Convention.
2. Successful efforts to gain a commitment during the 2003 FAO Committee on Fisheries to hold a technical consultation on reducing the incidental catch of sea turtles in fishing gear during the autumn of 2004. A subgroup that includes Task Force members has been convened to assist in U.S. preparations for this technical consultation.
3. An on-going project in the APEC Fisheries Working Group that focuses on regional implementation of the FAO Shark IPOA. Task Force members assisted in the planning and execution of the December 2002 APEC FWG Shark Workshop, which produced recommendations on steps to: reduce waste of sharks, improve data collection, improve national and regional management, and better implement the FAO IPOA on Sharks.
4. Task Force members from NMFS and the Department of State coordinated to successfully apply for fiscal 2002 OES Initiative funding from the Department of State. These funds were used to support work associated with the Meeting of Parties to the Inter-American Sea Turtle Convention and the APEC FWG Shark

Workshop.

5. A number of Task Force members also participate as members of Interagency Seabird Working Group, which works to increase coordination and collaboration between Government agencies involved in implementation of the U.S. National Plan of Action for Seabirds.
6. NMFS also co-sponsored an inter-disciplinary workshop with the International Center for Living Aquatic Marine Resource Management (ICLARM) on sea turtle conservation in the Pacific Basin. The objectives for this workshop, held in November 2003, include: 1) identification of the types of international institutions required to conserve and manage Pacific sea turtles; 2) development of pan-Pacific comprehensive policy options; development of a pan-Pacific model framework treaty and call for negotiations; 3) call for an FAO IPOA for Sea Turtles; and 4) development of a multi-disciplinary and multilateral sea turtle research agenda for the future.

CONCLUSION

The United States will continue its efforts during 2004 to implement the Plan of Action by using every opportunity at the bilateral, regional, and global levels to promote the reduction and elimination of sea turtle bycatch in longline fishing gear.